

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

PETER J. McDANIELS,

Plaintiff,

V.

BELINDA STEWART, et al.,

Defendant.

CASE NO. 3:15-cv-05943-BHS-DWC

## ORDER DENYING MOTION FOR RECONSIDERATION

The District Court has referred this 42 U.S.C. § 1983 action filed by Plaintiff Peter J. Daniels to United States Magistrate Judge David W. Christel. Before the Court is Plaintiff's Motion for Reconsideration of the Order Striking Plaintiff's Third Amended Complaint ("on"). Dkt. 252.

20 Previously, Plaintiff requested he be allowed to file a 98 page Response to Defendants'  
21 Motion for Summary Judgment. Dkt. 245. The Court found that 98 pages was excessive, but  
22 permitted Plaintiff leave to file a Response no longer than 50 pages. Dkt. 250. Plaintiff now asks  
23 the Court to reconsider its Order, stating he cannot physically contain all his arguments in only  
24 50 pages. Dkt. 252. He asks the Court to reconsider and provide him with closer to 100 pages

1 instead. In the alternative, he has also submitted a Response comprised of “a proposed 50 pages  
2 from the original 98.” *Id.*; *see also* Dkt. 251. He asks the Court to accept those 50 pages as an  
3 alternative to requiring Plaintiff to re-write his Response. *Id.*

4 Pursuant to Local Civil Rule 7(h), motions for reconsideration are disfavored and will be  
5 denied absent a showing of manifest error or a showing of new facts or legal authority which  
6 could not have been presented earlier with reasonable diligence. Here, Plaintiff has not shown  
7 the Court’s previously order was manifest error or provided new facts or legal authority which  
8 could not have been presented earlier with reasonable diligence. He has merely stated that his  
9 arguments are too lengthy to be contained in only 50 pages, the same argument he made when  
10 initially requested leave to file excess pages. As such, reconsideration is inappropriate here and  
11 the Court denies Plaintiff’s Motion (Dkt. 252).

12 However, the Court will accept Plaintiff’s alternative request. The Court will consider  
13 Plaintiff’s 50 typewritten pages (Dkt. 251) as his Response for purposes of Defendants’ Motion  
14 for Summary Judgment. Plaintiff need not re-write and re-submit the Response at this time.

15 Dated this 2nd day of August, 2018.

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18 David W. Christel  
19 United States Magistrate Judge  
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